

PLANNING COMMISSION MINUTES

Gardner, Kansas

Monday, January 9, 2006

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Vice-Chairman Greg Godwin called the meeting to order at 7:00 p.m. Commissioners present: Stephen Koranda, Eileen Mertz (7:10 p.m.), and Dan Popp. Commissioners absent: Eric Schultz. Also present: Community Development Director Fred Sherman; Planner Erik Pollom; applicant Greg DiVilbiss of The Bristol Groupe; applicant Ken Rogler of Waverly 175, L.L.C.; engineer for the applicant Judd Claussen of Phelps Engineering, Inc.; and four interested citizens.

II. Swear in Planning Commissioner

Swearing in of new Planning Commissioner Jason Burnett, appointed by the City Council on January 3, 2006.

Community Development Director Fred Sherman swore in Jason Burnett as Planning Commissioner. Mr. Burnett was appointed by Mayor Lehman to complete Commissioner John Ballou's term, which will expire in 2007.

III. Approval of Minutes

Motion Koranda, second Popp to approve the minutes of the November 28, 2005, meeting.

Motion to Approve Carried: 4 to 0 Aye (Schultz and Mertz Absent)

IV. Election of Officers

Vice-Chairman Godwin explained the necessity to conduct elections to fill the chairman position, which was vacated due to Mr. Breen's appointment to the City Council.

Motion Popp, second Burnett, to conduct election of officers and to nominate Stephen Koranda for Chairman of the Planning Commission for the remainder of the 2005-2006 term.

Motion to Elect Chairman Carried: 3 to 0 Aye (Schultz and Mertz Absent, Koranda Abstain)

V. Consent Items

1. FP-06-02

Consider a Final Plat for Willow Brooke Estates IV, a 2.85 acre single family residential development located on the south side of Madison Street, approximately 1/8 mile west of Center Street. The application is filed by RKF Investment, L.L.C.; with engineering services provided by Kaw Valley Engineering, Inc.

1. **APPLICANT:** The applicant is RKF Investments, L.L.C., the property owner of record; with engineering services provided by Kaw Valley Engineering, Inc.

2. **REQUESTED ACTION:** The applicant requests final plat approval for Willow Brooke Estates IV, a single-family residential subdivision.
3. **LOCATION:** The 2.85 acre property is located on the south side of Madison Street, 1/8 mile west of Center Street.
4. **EXISTING ZONING:** This property is currently zoned R-1, Single Family Residential District, (Z-04-12).
5. **ANALYSIS:** The applicant requests final plat approval for Willow Brooke Estates IV. The submitted final plat includes 12 lots for single-family homes, and reflects the layout approved with the Preliminary Plat for Bethel Estates of Gardner, Phase II (PDP-04-09).
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for Willow Brooke Estates IV (FP-06-02), and forward the item to the City Council with a recommendation for approval of the easements and rights-of-way, subject to the following conditions:
 - a. Prior to recording of the final plat, the required excise tax shall be paid.

Consent Agenda Item No. 1, Final Plat for Willow Brooke Estates IV (FP-06-02), was forwarded by unanimous consent to the City Council with a recommendation for approval of the easements and rights-of-way, subject to staff recommendations.

VI. Agenda Items

Planner Erik Pollom presented the staff reports for Agenda Items No. 1 and No. 2 concurrently.

1. FP-06-03

Consider a Final Plat for The Reserve at Waverly Pointe, First Plat, a 7.95 acre planned multi-family residential development located on the northeast corner of the 175th Street and Waverly Road intersection. The application is filed by Waverly 175, L.L.C.; with engineering services provided by Phelps Engineering, Inc.

1. **APPLICANT:** The applicant is Waverly 175, L.L.C.; with engineering services provided by Phelps Engineering, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for a multi-family residential development.
3. **LOCATION:** The 7.95 acre property is located east of Waverly Road, on the north side of 175th Street.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-05-01).
5. **STAFF ANALYSIS:** The applicant requests approval of a final plat for The Reserve at Waverly Pointe. The submitted plat proposes 6 lots totaling 7.95 acres for a multi-family residential development. The arrangement of lots and streets in this final plat adheres to the approved preliminary plat for Waverly Pointe (PP-05-01). All utility services are available in the immediate area and can be extended to serve this development.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for The Reserve at Waverly Pointe (FP-06-03), and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, subject to the following condition:
 - a. Prior to recording of the final plat, the required excise tax shall be paid.

2. FDP-06-01

Consider a Final Development Plan for The Reserve at Waverly Pointe, a 7.95 acre planned multi-family residential development located on the northeast corner of the 175th Street and Waverly Road intersection. The application is filed by Waverly 175, L.L.C.; with engineering services provided by Phelps Engineering, Inc.

1. **APPLICANT:** The applicant is Waverly 175, L.L.C.; with engineering services provided by Phelps Engineering, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a final development plan for a multi-family residential development.
3. **LOCATION:** The property is located northeast of the Waverly Road and 175th Street intersection.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-05-01).
5. **ANALYSIS:** The applicant requests approval of a final development plan for The Reserve at Waverly Pointe. The plan includes seven six-unit townhouse buildings and six four-plexes for a total of 66 new multi-family units.

Preliminary Development Plan

The submitted site plan generally adheres to the approved preliminary development plan (PDP-05-01). Two minor adjustments are a slight widening of the town home lots to allow adequate space for the interior parking areas, and the

addition of a continuous landscaped area between Lots 2 and 3 that is meant to increase green space and break up the long expanse of paved parking between the two lots.

Town Home Design

The town homes are arranged in six-plexes with four interior two-story units that are book ended by single-story units with covered side entrances. The front façade of the buildings are a mixture of stucco and stone, with composition shingle roofs. The rear of the end and sides of the end units are stucco, while the interior units are covered with wood siding.

The roofline and front faces of the buildings are slightly broken between units as aesthetic enhancements. The effect, as proposed by the submitted elevations, is less pronounced than was shown on some of the examples provided during consideration of the preliminary development plan. The rear elevations are virtually flat, with only the end units extending slightly away from the rear planes of the buildings. A greater extension of the end units away from the interior units, whether by pulling the end units back or the interior units forward, would improve the appearance of the rear façades.

4-plex Design

Like the townhouses, the proposed four-plexes, or "pinwheels", feature stucco and stone. These buildings are designed with four-sided architecture, with garages that are inset approximately twelve feet to minimize their visibility. Interior paved parking courts serve as accesses to the units that do not face public streets.

Landscaping

The landscape plan for this development is designed to create a traditional "street tree" atmosphere, and emphasizes screening in areas where the backs of town homes would be easily seen from the street. The plan exceeds City landscaping requirements.

6. **STAFF RECOMMENDATION:** Staff recommends approval of the final development plan for The Reserve at Waverly Pointe (FDP-06-01), subject to the following conditions:
 - a) The development shall be in accordance with Exhibit "A" (Final Development Plan), Exhibit "B" (Building Elevations), and Exhibit "C" (Landscape Plan) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
 - b) No signage is approved with the final development plan. Separate sign permits are required prior to the installation of any signage.

Vice-Chairman Godwin invited comments from the commissioners.

Commissioners Koranda and Mertz and Director Sherman discussed the rear elevations of the multi-family structures. Commissioner Mertz stated that they were unattractive, and added that there were not enough appearance variations on the front elevations. They also discussed the proposed orientations of the buildings and parking lots.

Engineer for the applicant Judd Claussen of Phelps Engineering, Inc., gave a brief presentation, displaying and explaining the proposed plan revisions.

Applicant Ken Rogler of Waverly 175, L.L.C., briefly discussed the elevation designs, construction issues, and parking lot layouts of the townhomes.

Commissioner Koranda stated that there should be more landscaping placed at the rear of the buildings.

Commissioner Popp suggested that alternating the single and double garage doors and utilizing cantilevers along the rear elevations would provide better rear elevation variety. He also agreed with Commissioner Mertz that there should be more front elevation variety between the individual units. He stated that the stonework should be wrapped around the front facades of the side entry units.

Vice-Chairman Godwin agreed with Commissioner Popp's suggestions, and added that the direct vent fireplace on the front elevations should have complete fireplace chases, and the rear decks should be wider than the doorways opening onto them. Mr. Rogler agreed that the front fireplaces should be changed.

Commissioner Mertz suggested that there should be plenty of room for the residents to turn their vehicles around to exit the parking areas between the buildings.

Motion Koranda, second Popp, to forward the Final Plat for The Reserve at Waverly Pointe, located northeast of the 175th Street and Waverly Road intersection (FP-06-03), to the City Council with a recommendation to accept the easements and rights-of-way, subject to staff recommendations.

Motion to Forward Carried: 5 to 0 Aye (Schultz Absent)

Motion Koranda, second Popp, to approve the Final Development Plan for The Reserve at Waverly Pointe, located northeast of the 175th Street and Waverly Road intersection (FDP-06-01), subject to staff recommendations.

Motion to Forward Carried: 5 to 0 Aye (Schultz Absent)

3. FDP-04-05

Consider a revised Final Development Plan for Moonlight Commons, a 4.2 acre planned commercial development located on the northeast corner of the Lincoln Lane and Moonlight Road intersection. The application is filed by Bristol Partners XVI; with engineering services provided by Peridian Group, Inc.

Planner Pollom presented the staff report. He noted that the applicants had revised their original request for placement of a menu order board, indicating that they would also be amenable to placing it on the southwest corner of the building itself.

1. **APPLICANT:** The applicant is Bristol Partners XVI; with professional services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a final development plan for a multi-tenant commercial retail building.
3. **LOCATION:** The property is located at the northeast corner of Moonlight Road and Lincoln Lane.
4. **EXISTING ZONING:** The property is currently zoned CP-2, Planned General Business District (Z-02-03).
5. **ANALYSIS:** The applicant requests approval of a revised site plan for Moonlight Commons, two commercial buildings containing 29,600 square feet of retail space with the potential for up to twenty individual tenant spaces. The proposed layout of buildings and parking remains largely unchanged from the approved final development plan, with one exception. The applicant wishes to place a menu order board at the south end of the parking that fronts the northernmost of the two buildings, to serve a drive-through window in the south wall of that building.

Proposed Order Board

This request is being made by the owner on behalf of the proposed tenant of the southernmost tenant space of the north building. "Latte-Tudes", a gourmet coffee and sandwich shop, is proposed for the south end of the building and has submitted tenant finish plans for this space. The tenant wishes to place the order board in this location to serve a drive-through window that would be constructed in the south wall.

Stacking and Traffic Flow

Traffic would proceed from three different directions to the order board, then to the window, and then use the space between the north and south buildings to turn around and exit the line. This is potentially problematic for a few reasons. First, the order board is proposed in a location that allows no stacking space. Should a second vehicle join the queue, it would be forced to wait in the drive lane. Depending upon the second vehicle's direction of approach, this could mean it would be facing south, east or north.

Should the second vehicle stop while facing east, it could block most of both north-south drive lanes. A north-facing vehicle could potentially block the intended exit route for this drive-through, forcing traffic along an unintended route behind the south building. Given the fact that the subject property's only full turning access to Moonlight Road is adjacent to the placement of this order board, the likelihood of traffic conflicts resulting from such a configuration is high. Staff understands that providing an opportunity for one customer to place an order while another pays for and receives their food at the window reduces the total time a car spends in the drive through lane. While this may result in a faster-moving line of cars, it does not alleviate the conflict created when only one car joins the line behind a car at the order board. A drive-through window may be successfully operated in this unit, but the proposed location for the order board is strongly discouraged. For this reason, staff is not in favor of the proposed change to the final development plan.

6. **STAFF RECOMMENDATION:** Staff recommends denial of the revised final development plan for the Moonlight Commons (FDP-04-05).

Director Sherman, Planner Pollom, and the commissioners briefly discussed potential traffic flow problems.

Vice-Chairman Godwin invited comments from the applicant.

Jeff Price, owner of the business requesting the order board placement, explained his business needs for the proposed drive-through window and menu order board. He stated that most of his drive through customers would be in and out before the business hours of the surrounding businesses. He added his willingness to place the order board on the southwest corner of the building instead of on the landscaped island.

Applicant Greg DiVilbiss of The Bristol Groupe stated that they would utilize directional signage and directional pavement painting to direct the traffic flow. He explained that he had always planned for a drive through window at the proposed location.

Vice-Chairman Godwin explained his concerns regarding potential vehicle stacking blocking the parking lot traffic flow and possibly the traffic flow of Moonlight Road, and also endangering pedestrian traffic within the shopping area. He also stated his disapproval of the drive-through window at the proposed location.

Commissioner Mertz agreed with Vice-Chairman Godwin's traffic flow concerns and also stated her disapproval of a drive-through window under any circumstances.

Commissioner Koranda agreed with Commissioner Mertz and Vice-Chairman Godwin regarding the potential vehicle stacking problems.

Commissioner Koranda and Vice-Chairman Godwin expressed their desire for Mr. Price's business to be successful, and their hope to find a reasonable alternative or solution to the potential traffic problems which could be created by the proposed drive-through window.

The commissioners, the applicant, and City staff discussed potential traffic flow and stacking problems that might be caused by the proposed drive-through window and/or a menu order board.

Commissioner Popp stated that he did not object to the proposed drive-through window, but would not approve any kind of order board.

Mr. DiVilbiss and the commissioners briefly discussed the original preliminary and final development plans for the subject property.

Director Sherman clarified that City staff was not opposed to the drive-through window, but only the proposed placement of a menu order board on the landscape island.

Commissioner Mertz noted that a drive-through window was not necessarily an integral, definite need for the success of Mr. Price's business.

The commissioners and City staff again thoroughly discussed potential traffic flow problems and issues that might be caused by the proposed drive-through window and/or a menu order board.

Motion Mertz, second Burnett, to deny the revised Final Development Plan for Moonlight Commons, located at the northeast corner of Moonlight Road and Lincoln Lane (FDP-04-05), for placement of an order menu board and a drive-through window.

Motion to Deny Carried: 4 to 1 Aye (Popp – Nay; Schultz Absent)

VII. Adjourn

Motion Popp, second Mertz, to adjourn the meeting at 9:14 p.m.

Motion to Adjourn Carried: 5 to 0 Aye (Schultz Absent)

Cindy Weeks, Planning Service Specialist
Community Development Department